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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,131	05/30/2006	Patrick Cyriel Van De Voorde	NL031380US1	3739

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HOLLWEG, THOMAS A

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

03/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/581,131

**Applicant(s)**VAN DE VOORDE, PATRICK  
CYRIEL**Examiner**

Thomas A. Hollweg

**Art Unit**

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29, 2009, has been entered.
2. No claims are added or canceled. Claims 1-11 are currently pending.
3. Applicant's arguments have been fully considered, but are moot in view of the following rejections.

### ***Claim Objections***

4. The following claims are objected to because of the following informalities:
  - a. Claim 1 introduces a first end portion and second end portion, and further introduces a first current-supply conductor and a second current-supply conductor being, but does not expressly specify that the first current-supply conductor is associated with the first end portion. Similarly, there is no express statement that the conduction member connected to the second current-supply conductor and extending through the opening in the center section of the reflector is associated with the second end portion.Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Koster et al., U.S. Patent No. 5,945,776.

7. With regard to claim 1, in figures 1 and 4, Koster discloses a high-pressure discharge lamp assembly (1) comprising a discharge lamp (2) and a concave reflector (10) arranged around a longitudinal axis (3), the discharge lamp (2) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (4) is arranged, a first current-supply conductor (8) and a second current-supply conductor (8) being connected to the pair of electrodes (4) and issuing to the exterior of the discharge lamp (2) the first end portion of the discharge lamp (2) extending through an opening (12) arranged in a center section of the reflector (10), a conduction member (not labeled) being connected to the second current-supply conductor (8) and extending through the opening (12) in the center section of the reflector (10), and the conduction member (not labeled) being connected to a contact member (6) provided on a surface of the reflector (10) facing away from the discharge lamp (2), wherein the discharge lamp is mounted in a fixation means (25, 26, 27, 28) provided in the opening (12) of the reflector (10) (col. 4, lines 12-65). Examiner notes that the phrase "fixation means" is used, however this does not

invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three prong test. The correct language is not used, and the phrase is not modified by functional language.

8. With regard to claim 2, in figures 1 and 4, Koster discloses that the reflector (10) is provided with a neck portion (15) arranged around the longitudinal axis (3), the contact member (6) being provided on a surface of the neck portion (15) facing away from the discharge lamp (2) (col. 4, lines 12-65).

9. With regard to claim 3, in figures 1 and 4, Koster discloses that the contact member (6) is provided as a circular conducting strip around the reflector (10) (col. 4, line 29).

10. With regard to claim 4, in figures 1 and 4, Koster discloses that a further contact member (6) is provided on the surface of the reflector (10), the further contact member (6) being connected to the first current-supply conductor (8) (col. 4, lines 26-30).

11. With regard to claim 5, in figures 1 and 4, Koster discloses that the further contact member (6) is provided as a circular conducting strip around the reflector (5) (col. 4, lines 20-29) (Koster shows two contact members, a ring and a pin, either can be the further contact member).

12. With regard to claim 6, in figures 1 and 4, Koster discloses that that the neck portion (15) is provided with an opening (12) for passing through the conduction member (not labeled) (col. 4, lines 52-54).

13. With regard to claim 7, in figures 1 and 4, Koster disclose that the fixation means (25, 26, 27, 28) is provided in the neck portion (15) of the reflector (10) and the

conduction member (not labeled) being guided through the fixation means (25, 26, 27, 28) (col. 4, lines 59-65).

14. With regard to claim 8, in figures 1 and 4, Koster discloses that the neck portion (15) of the reflector (10) is provided with a substantially rotationally symmetrical lamp cap (5) of an insulating material, the lamp cap (5) being provided with the contact member (6) (col. 4, lines 20-24).

15. With regard to claim 9, in figures 1 and 4, Koster discloses that the contact member (6) is provided as a circular conducting strip around the lamp cap (5) (col. 4, line 29).

16. With regard to claim 11, in figures 1 and 4, Koster discloses that a further contact member (6) is provided on the lamp cap (5) on a location where the longitudinal axis (3) intersects the lamp cap (5) (col. 4, lines 20-29).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koster as applied to claims 1, 2 and 8 above, and further in view of Calon et al., U.S. Patent No. 6,525,454 B2.

19. With regard to claim 10, Koster discloses all of the limitations, except that it does not expressly disclose that the lamp cap is provided with a multiplicity of indents for fixating the contact member.

20. Calon, in figures 1 and 2, teaches a high-pressure discharge lamp (1) with a lamp cap (10) provided with a multiplicity of indents (11b) for fixing the contact member (10) (col. 5, lines 8-29), and to form a screw-type connection at the end of the lamp to provide a reliable connection between the cap and the lamp body and a reliable connection between the lamp and a lamp socket.

21. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Koster lamp where the lamp cap is provided with a multiplicity of indents for fixating the contact member, as taught by Calon, to form a screw-type connection at the end of the lamp to provide a reliable connection between the cap and the lamp body and a reliable connection between the lamp and a lamp socket.

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/NIMESHKUMAR D. PATEL/  
Supervisory Patent Examiner, Art Unit 2879